No. 85-492

Supreme Court, U.S.
FILED
JAN 25 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

Supreme Court of the United States

October Term, 1985

ROBERT T. DEVERAUX, WILLIAM E. KELLEY, JOHN BAKEY, DONALD J. DENTREMOT and DANIEL J. GATELY,

Petitioners,

against

WILLIAM J. GEARY and THOMAS E. KEOGH,

Respondents,

and

PLAINTIFF-CLASS in CULBREATH v. DUKAKIS,

Intervenors-Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Motion to Enlarge Time to File Brief for Phil Caruso as *Amicus Curiae*

LAW OFFICES OF RICHARD HARTMAN
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PHIL CARUSO, by his attorney and counsel, Richard Hartman, hereby respectfully moves this Court to enlarge the time to file the accompanying Brief in this case as *amicus curiae*.

The applicant now moves for an enlargement of time and requests that the Court accept the Brief pursuant to such enlargement. It is understood by the undersigned that the Rules of the Court make no provision for such an application as is presently made. However, the reasons stated in the body of the Brief, in the portion entitled Interest of Phil Caruso, in our opinion, set forth a sufficient reason for the Court to grant the present application, irregular though it may be.

The stature of Phil Caruso as a public sector union leader and a police union leader, together with his unique background render him to be an appropriate representative spokesman for all police officers, precisely the class of persons directly affected by the law suit in *Deveraux v. Geary*. Therefore, the section of the *amicus curiae* Brief entitled Interest of Phil Caruso is requested to be deemed to be incorporated into this motion at this point as if set forth in its entirety.

On or about January 25, 1986, the undersigned attempted to file an *amicus curiae* Brief on behalf of Phil Caruso. However, by letter dated January 30, 1986, the Chief Deputy Clerk of the Court rejected the filing as being out-of-time pursuant to Rule 36 of the Rules of the Court. Apparently, the time to file an *amicus curiae* Brief in this case expired on October 23, 1985. Said letter, dated January 25, 1986 is hereby attached.

For the foregoing reasons, it is respectfully requested that the Court grant the within motion to enlarge the time to file the accompanying Brief in this case as *amicus curiae,* and that ultimately, the Court grant the Petitioners' petition for Writ of Certiorari.

Respectfully submitted,

RICHARD HARTMAN
Attorney for Phil Caruso

Exhibit A.

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D. C. 20543

January 30, 1986

Richard Hartman, Esquire
252-00 Horace Harding Expressway
Little Neck, New York 11362

Re: Robert T. Devereaux, *et al.* v. William J. Geary, *et al.*, No. 85-492

Dear Mr. Hartman:

Your brief for Phil Caruso as *amicus curiae* was received January 25, 1986, and is returned as out-of-time pursuant to Rule 36 of the Rules of the Court. The time to file such a brief expired on or about October 23, 1985, when the time for respondents to file briefs expired.

Very truly yours,

JOSEPH F. SPANIOL, JR., Clerk
By FRANCIS J. LORSON
Chief Deputy Clerk

FJL/dee
Enclosure
cc: Hon. Charles Fried, Solicitor General
Herman J. Smith, Jr., Esq.
Gabriel O. Dumont, Jr., Esq.
Despena F. Billings, Esq.
James H. Wexler, Esq.
Ilene Seidman, Esq.